

To cat
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

REGULATIONS GOVERNING THE HOLDING OF REFERENDA ON MARKETING QUOTAS

CONTENTS		Page
Sec. 1	Definitions	2
Sec. 2	Agencies through which a referendum shall be conducted	3
(a)	Utilization of existing agencies	3
(b)	Community referendum committee	4
Sec. 3	Voting eligibility	4
(a)	Qualifications of voters	4
(b)	Register of eligible voters	4
Sec. 4	Place for balloting	4
Sec. 5	Time of voting	4
Sec. 6	Notice of referendum	5
(a)	Posting a notice	5
(b)	Use of agencies of public information	5
Sec. 7	Manner of voting	5
(a)	Secret ballot	5
(b)	Voting by proxy prohibited	5
(c)	Voting by mail	5
(d)	Challenged ballots	6
(e)	Ballot box	6
Sec. 8	Local arrangements for holding the referendum	7
Sec. 9	Issing ballots to voters	7

Sec. 10	Community referendum committee's canvass of ballots and record of results of the referendum	7
(a)	Canvass of ballots	7
(b)	Record of results of the referendum	8
Sec. 11	County committee's canvass of ballots and record of results of the referendum	8
(a)	Receiving and tabulating the results of the referendum	8
(b)	Record of the results of the referendum	8
(c)	Disposition of ballots and records	9
(d)	Investigations as to the correctness of the summary of the referendum	9
Sec. 12	State committee's record of the result of the referendum	9
Sec. 13	Results of referendum	9
(a)	Proclamation of results	9
(b)	Unofficial announcements of results	10
(c)	Investigations	10

United States Department of Agriculture,
Office of the Secretary.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 38, 7 U.S.C. 1301 et seq.), as amended, public notice is hereby given of the following regulations for holding any referendum on marketing quotas under said act as heretofore or hereafter amended, which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said act.

Section 1 Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) Act. The Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(2) Secretary of Agriculture. The Secretary or Acting Secretary of Agriculture of the United States.

(3) Administrator. The Administrator or Acting Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(4) Regional Director. The director or acting director of the division of the Agricultural Adjustment Administration in charge of the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (herein referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(5) Southern Region. The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) East Central Region. The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) North Central Region. The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(8) Northeast Region. The area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(9) Western Region. The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(10) State committee. The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(11) County committee. The committee, within and for a county, utilized under the Soil Conservation and Domestic Allotment Act.

(12) Person. An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof.

Sec. 2 Agencies through which a referendum shall be conducted. (a) Utilization of existing agencies. The Agricultural Adjustment Administration shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the Act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the Agricultural Adjustment Administration and of each committee to conduct each referendum by secret ballot in a fair, unbiased, and impartial manner in accordance with these regulations.

(b) Community referendum committee. In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate for each referendum a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood by secret ballot in a fair, unbiased, and impartial manner in accordance with these regulations. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary in the county for the proper holding of the referendum.

Sec. 3 Voting eligibility. (a) Qualifications of voters. The qualifications of persons eligible to vote in the referendum for each commodity shall be determined in accordance with the provisions of law applicable thereto prior to the date of holding the referendum and the qualifications shall be set forth in the notice of the referendum on the form prescribed by the Secretary of Agriculture. No person shall be entitled to more than one vote, regardless of the number of farms in which he is interested as a producer or the number of the communities, counties, or States in which he is so interested.

(b) Register of eligible voters. The county committee shall cause to be prepared on form MQ-651 a register of eligible voters for each community or neighborhood in the county. The register shall contain, insofar as can be ascertained prior to the holding of the referendum, the names and addresses of all persons shown on the records of the county committee or known to it as persons eligible to vote in the referendum in the community or neighborhood. Each register of eligible voters shall be furnished by the county committee to the chairman (or, in his absence, the vice chairman) of the appropriate community referendum committee prior to the time the polls in the county are opened for the acceptance of ballots.

Sec. 4. Place for balloting. The county committee shall designate at least one place for balloting in each community or neighborhood for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever.

Sec. 5. Time of voting. There shall be no voting except on the day fixed for the holding of the referendum (except as provided herein in the case of voting by mail) and the day fixed for the holding of the referendum shall be the same in all neighborhoods, communities, counties, and States. The date for holding the referendum shall be that determined by the Secretary of Agriculture in accordance with the provisions of law applicable thereto and stated in the notice of the referendum prescribed by him. The county committee shall

designate the hour at which the polls in the county shall be opened, which shall be not earlier than 7 o'clock or later than 9 o'clock a. m., local standard time, on the date fixed for holding the referendum. The polls shall be closed at 5 o'clock p. m., local standard time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum.

Sec. 6 Notice of referendum. (a) Posting a notice. The county committee shall give public notice in each community or neighborhood of the time and place for balloting in the referendum by posting a notice, on the form prescribed by the Secretary of Agriculture for use in the referendum, at one or more places open to the public within each community or neighborhood at least 5 days in advance of the date of the referendum. The notice shall contain information concerning the commodity and marketing year or years or crops for which the referendum is to be held, the rules governing eligibility to vote, the location of the polling place in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

(b) Use of agencies of public information. The county committee and community referendum committees shall make use (without advertising expense) of all available agencies of public information, including newspapers, radio, and other means, to give persons in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the arrangements for holding the referendum in the county have been made, but not later than 5 days in advance of the date of the referendum.

Sec. 7 Manner of voting. (a) Secret ballot. The voting in the referendum shall be by secret ballot. Each voter shall, at the time he is handed the form on which to cast his ballot, be instructed to mark his ballot form so as to indicate clearly how he votes and in such manner that no one else shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone else to see how he voted. A suitable place where each voter may mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever shall be provided in each polling place. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. The fact that a voter fails to fold a ballot placed in the ballot box shall not invalidate it. It shall be the duty of each community referendum committee to see that no device of any sort whatever is used whereby any voter's ballot may be identified (except as provided in these regulations in the case of a challenged ballot or a ballot cast by mail).

(b) Voting by proxy prohibited. There shall be no voting by proxy, or agent, or in any manner except by the eligible voter personally depositing in the ballot box his ballot as marked by him (except as provided herein in the case of a ballot cast by mail), but a duly authorized member of a partnership, or a duly authorized officer of a corporation, firm, association, or other legal entity, may cast its vote.

(c) Voting by mail. Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain one ballot form, prior to or on the day of the referendum, from the office of a county committee conveniently situated for him and cast his ballot by mail. The office of the county committee so issuing the ballot form

shall endorse on the reverse side thereof a statement in substantially the following form identifying the county in which it was issued and the county to which it will be mailed, initialed and dated by the person issuing such form: "Issued in _____ County, _____ State for use in _____ County, _____ State." The office of each county committee shall keep a register in duplicate showing for each ballot form so issued by it to be voted by mail the name and address of the person to whom issued, the date of issuance, and the names of the county and State to which the ballot is to be mailed, and the name and title of the person who issued such form. The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes, sign his name and enter his address thereon, and mail it in a sealed envelope, postage paid, marked "Absentee Ballot", to the county committee for the county in which he is eligible to vote. All ballots voted by mail must, in order to be accepted, reach the county committee for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county for the day of the referendum.

(d) Challenged ballots. The community referendum committee shall challenge the eligibility of any person to vote in the referendum where (1) the name of the person does not appear on the register of eligible voters and the community referendum committee is unable to satisfy itself that the person is eligible to vote in the referendum in its community or neighborhood, (2) the community referendum committee is unable to satisfy itself that he has not previously voted in the referendum in another community or neighborhood in the same or another county, by person or by mail, or (3) the community referendum committee is not certain that the person is eligible to vote. In every case where the eligibility of the voter is challenged, his ballot form, after being marked by the challenged person so as to show how he votes but in such a manner that no one else sees how he votes, shall be folded and placed by him (or by the committee if he refuses) in an envelope, which shall then be sealed and identified with his name and address, the word "Challenged", and a statement of the reason for the challenge, and shall then be placed in the ballot box. The county committee shall make an investigation in each case of controversy or dispute regarding the eligibility of a voter to vote in the referendum. In each case of a challenged ballot the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed and before the time for forwarding to the State committee the county summary of ballots on form MQ-653. If it is determined that the person whose vote was challenged is eligible to vote, the sealed envelope containing the ballot shall be placed with the challenged ballot of every other person found to be eligible to vote until all challenged ballots have been passed upon by the county committee. If it is not determined that the person whose vote was challenged is eligible, the sealed envelope shall be marked "Not eligible" and signed by a member of the county committee and shall not be opened. When all of the challenged ballots have been passed upon by the county committee, the challenged ballots which were cast by eligible voters shall be opened and tabulated in the county summary of ballots, but no disclosure shall be made as to how any particular person voted.

(e) Ballot box. Each polling place shall be furnished with a suitable ballot box. Any container of sufficient size so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. When strip adhesive paper or corresponding seals are used on the ballot box, such seals shall be signed or initialed by the chairman or a member of the community referendum committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

Sec. 8 Local arrangements for holding the referendum. The county committee shall see to it that all arrangements for the proper holding of the referendum in accordance with these regulations have been completed prior to the date of the referendum and that full and adequate notice of the time and places for balloting has been given in each community and neighborhood in the county. The county committee shall instruct each community referendum committee concerning its duties and see to it that each member of the committee understands his duties and the duties of the committee in all respects, with particular emphasis as to (a) issuing ballot forms, (b) challenged ballots, (c) recording votes, (d) tabulating ballots, and (e) certifying results of the referendum in the community or neighborhood. The county committee shall allot to each community referendum committee an adequate supply of ballot forms and, prior to the time the polls in the county are opened for the acceptance of ballots, deliver the ballot forms and forms MQ-652, the community summary of ballots, to the chairmen of the several community referendum committees.

Sec. 9 Issuing ballots to voters. The community referendum committee shall open the polls for the issuance of ballot forms and the casting of ballots at the time designated by the county committee and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by the committee. The name and address of each person to whom a ballot form is issued shall, if he is not already listed on the register of eligible voters, be recorded on such register prior to the time the ballot form is issued to him. The community referendum committeeman who issues the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of eligible voters opposite the name and address of the voter a record of the issuance of the ballot. When the eligibility of the voter is not challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "X" and the initials of the community referendum committeeman. When the eligibility of the voter is challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "C" and the initials of the community referendum committeeman. Ballot forms shall be issued and ballots placed in the ballot box only while at least two members serving on the community referendum committee are physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box.

Sec. 10 Community referendum committee's canvass of ballots and record of results of the referendum. (a) Canvass of ballots. Immediately after the polls are closed, the community referendum committee shall open the ballot box and canvass the ballots cast. The canvass of the ballots shall be kept open to the public. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that it is not possible to determine with certainty the particular question for which the ballot was intended to be counted. The envelopes containing the challenged ballots shall not be opened. The total number of ballots issued as shown on the register of eligible voters shall be determined and the total number of ballots cast, including the spoiled and challenged ballots, shall be determined. The number of ballots cast in favor of and the number of ballots cast in opposition to the marketing quotas for which the referendum was held shall be determined. The spoiled ballots and challenged ballots shall not be considered in favor of or against the marketing quotas. If any member of the community referendum committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged, spoiled, or otherwise, he shall not disclose such knowledge to a fellow committeeman or any other person except in an investigation conducted under these regulations.

(b) Record of results of the referendum. The community referendum committee shall notify the county committee by telephone, telegraph, messenger, or in person of the preliminary count of the votes on each question and of the number of spoiled and challenged ballots, as soon as may be possible. All the spoiled ballots shall be placed in an envelope and sealed and marked with the initials of the chairman (or vice chairman) of the community referendum committee and the designation "Spoiled Ballots" followed by the number of spoiled ballots and the names of the community or neighborhood, the county, and the State. The community referendum committee shall execute the certification as to the accuracy of the register of ballots cast on form MQ-651. The community referendum committee shall then prepare and execute the community summary of ballots on form MQ-652 and post one copy thereof, as soon as it is executed, at a conspicuous place at the polling place, so that it will remain posted and accessible to the public for at least three calendar days after the holding of the referendum. The community referendum committee shall seal the voted ballots, including those challenged and spoiled, the register of eligible voters and ballots cast, and the community summary of ballots, in one or more envelopes appropriately identified by the names of the community or neighborhood, the county, and the State, and the nature of the referendum and the date on which it was held, and deliver them to the county committee not later than 9 o'clock a. m., local standard time, on the second calendar day next succeeding the date of the referendum, together with the unused ballot forms and other forms. The chairman (or vice chairman) of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

Sec. 11 County committee's canvass of ballots and record of results of the referendum. (a) Receiving and tabulating the results of the referendum. The county committee shall open and canvass the ballots received by mail after the closing of the polls and determine the eligibility of each voter. If any person voting by mail is found to be ineligible to vote or the ballot is so mutilated or marked that it is not possible to determine with certainty how the person intended to vote, such ballot shall not be counted as for or against any particular question in the referendum and shall be tabulated on the county summary of ballots as a spoiled ballot. The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees but not later than four days after the day of the referendum. The results of the referendum in each community and neighborhood shall be reviewed and summarized as soon as may be reasonably possible after the records, ballots, and forms are received from the several community referendum committees. Every meeting of the county committee for the purpose of canvassing the ballots cast and reviewing and tabulating the results of the referendum shall be open to the public. No member of the county committee who learns how any person besides himself voted, whether the ballot was received by mail, challenged, spoiled, or otherwise, shall disclose such knowledge to any fellow committeeman or other person except in an investigation conducted under these regulations.

(b) Record of the results of the referendum. The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee) as to the preliminary count of the votes on each question and of the number of challenged ballots reported by the several community referendum committees as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than four calendar days after the date of the referendum, prepare and execute the county summary of ballots on form MQ-653. Form MQ-653 shall be prepared and certified in quadruplicate, two copies of which shall be sent forthwith to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the

office of the county committee, and one copy permanently filed in the office of the county committee and kept available for public inspection. One copy of each community summary on form MQ-652 shall likewise be posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee.

(c) Disposition of ballots and records. The county committee shall seal the voted ballots, challenged ballots found to be ineligible, register sheets, and community summaries for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the secretary of the county committee for a period of 60 calendar days after the date of the referendum. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed but the registers and community and county summary sheets on forms MQ-651, 652, and 653 shall be permanently filed in the office of the county committee.

(d) Investigations as to the correctness of the summary of the referendum. The county committee shall make an investigation in each case of a dispute or challenge regarding the correctness of the summary of the referendum in a community or neighborhood. No dispute or challenge shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute or the challenge and report its findings to the State committee within five calendar days after the holding of the referendum and send by registered mail or deliver in person to the office of the State committee all voted ballots, register forms, and community summary sheets involved in the dispute or challenge.

Sec. 12 State committee's record of the result of the referendum. The State committee for each State shall notify the appropriate Regional Director by telegraph or telephone as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots on forms MQ-653 shall be summarized on the State tabulation of ballots on form MQ-654 as soon as possible but in no event later than seven calendar days next succeeding the date of the referendum, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof and prepare the State tabulation accordingly within fourteen calendar days next succeeding the date of the referendum. The State summary shall be prepared in triplicate and certified to by at least three members of the State committee. The original and one copy of the State summary shall be forwarded via airmail special delivery to the appropriate Regional Director. One copy of the State summary shall be permanently filed in the office of the State committee available for public inspection.

Sec. 13 Results of referendum. (a) Proclamation of results. The final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and reported to the Secretary of Agriculture and the result of the referendum will be publicly proclaimed by him. The State summaries on forms MQ-654 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

(b) Unofficial announcements of results. Each county committee is authorized to give out unofficial reports of the total "Yes" and "No" votes in its county to the public press and other inquirers. Each State committee is authorized to release to the press and other inquirers the unofficial results of the referendum in its State by counties as rapidly as the votes in the various counties are reported to it.

(c) Investigations. If the Administrator or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be re-examined and checked by such persons or agencies as may be designated.

Done at Washington, D. C.,
this 31st day of October, 1941,
Witness my hand and the seal of the
Department of Agriculture.

(SEAL)

/s/ CLAUDE R. WICKARD
Secretary of Agriculture.